

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of:

Sukeyuki Shinotsuka

Serial No.: 10/729,577

Filed: December 3, 2003

Atty. Dkt. No.: 7272-132/10314101

Group Art Unit: 2609

Examiner: Amy R. Hsu

Confirmation No. 2295

Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

**COMBINED PETITION FOR UNINTENTIONALLY DELAYED DOMESTIC AND
FOREIGN PRIORITY CLAIMS UNDER 37 C.F.R. §§ 1.78(a) AND 1.55(c)**

Applicant respectfully petitions the Commissioner under 37 C.F.R. § 1.78(a)(3) and 37 C.F.R. § 1.55(c) for delayed claims of domestic and foreign priority, respectively.

Background

Applicant intended to file the current U.S. application as the national phase of international application PCT/JP02/003481 (“the PCT application”). The PCT application was filed on April 8, 2002, designating the U.S. and claiming priority to two Japanese applications, namely:

- a. JP 2001-209983, filed on June 6, 2001;
- b. JP 2001-209985, filed on June 6, 2001.

However, the current application is considered by the Patent Office to be a regular U.S. application filed under 37 C.F.R. § 1.53(b). (see attached copy of Notice to File Missing Parts)

Status of Current Application

The application is waiting to be examined.

Discussion

The current application is considered to be a regular U.S. application and not the national phase of the PCT application. Therefore, Applicant is requesting that claims of domestic priority to the PCT application and foreign priority to the two Japanese applications be added in the current application, and that the current application be designated as a continuation of the PCT application in accordance with MPEP § 1895.01.

The current application was filed on December 3, 2003. The PCT application was filed on April 8, 2002, designating the United States, and published as WO 02/102061 A1 on December 19, 2002. The Japanese applications were both filed on June 6, 2001. PCT papers evidencing these circumstances were previously submitted in the current application. Because the requirements of 35 U.S.C. §§ 120 and 365(c) are satisfied with respect to the current application and the PCT application, a claim of domestic priority to the PCT application is proper. Also, the requirements of 35 U.S.C. § 119(a) are satisfied with respect to the PCT application and the Japanese application, and therefore a claim of foreign priority to the Japanese applications is proper.

Relief Requested

Applicant respectfully requests that the following claims of domestic and foreign priority be entered in the current application.

Applicant also requests that a new Filing Receipt be issued to reflect the added claims of domestic and foreign priority.

Priority Claims

A. Domestic Priority

Applicant hereby claims priority under 37 C.F.R. § 1.78(a)(3) to PCT application PCT/JP02/003481, filed on April 8, 2002.

A claim of domestic priority indicating that the current application is a continuation of the PCT application is submitted in the Application Data Sheet attached hereto (no Application Data Sheet was previously filed).

Applicant states that the entire delay between the date the claim for priority was due under paragraph (a)(2)(ii) of 37 C.F.R. § 1.78 and the date this claim is filed was unintentional.

B. Foreign Priority

Applicant hereby claims priority under 35 U.S.C. § 119 to Japanese applications:

JP 2001-209983, filed on June 6, 2001, and

JP 2001-209985, filed on June 6, 2001.

A claim of foreign priority to the Japanese applications is submitted in the attached Application Data Sheet.

Applicant states that the entire delay between the date the claim for priority was due under paragraph (a)(1) of 37 C.F.R. § 1.55 and the date this claim is filed was unintentional.

Certified copies of the Japanese applications are in the process of being obtained. The certified documents will be submitted as soon as they become available.

Applicant respectfully requests that the delayed claims of domestic and foreign priority be entered in the current application, and that a new filing receipt reflecting both the domestic and foreign priority claims be issued.

Please charge \$ 1,370.00 for the unintentionally delayed domestic priority claim, and charge \$ 1,370.00 for the unintentionally delayed foreign priority claim. No other fee is believed due. However, the Commissioner is hereby authorized to charge any fees that may be required with this paper or to credit any overpayment of fees to Deposit Account No. 50-0337.

Dated: June 4, 2007

Respectfully submitted,



Miles Yamanaka
Reg. No. 45,665

FULBRIGHT & JAWORSKI L.L.P
555 South Flower Street , 41st Floor
Los Angeles, CA 90071
(213) 892-9200 – Telephone
(213) 892-9494 – Facsimile

Attachments: Copy of Notice to File Missing Parts
Application Data Sheet